

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

MARK A. RUDOLPH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:05cv474-C
	)	(WO)
JO ANNE B. BARNHART	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

On May 4, 2006, the plaintiff filed a reply brief without leave of the court or providing any reasons why a reply brief should be permitted. Because it is not the policy of this court to accept reply briefs unless the parties are directed to file reply briefs or the party seeks leave of the court, the court ordered the reply brief stricken. Attached to the reply brief was ten pages of evidence which the plaintiff contends is new evidence. Thereafter, the plaintiff did not attempt to file a motion for leave to file the reply brief or accompanying evidence. The court is unable to reach the merits of the plaintiff's argument related to remand for the purpose of considering new evidence without the new evidence in the record. Accordingly, it is

ORDERED that on or before July 17, 2006, the plaintiff shall file the new evidence he contends warrants remand pursuant to sentence six of 42 U.S.C. § 405(g). The plaintiff is directed to file only that evidence that was submitted with his reply brief. The plaintiff is not granted leave to file any additional evidence or brief. It is further

ORDERED that the defendant shall file any response to the plaintiff's evidence on or before August 1, 2006.

Done this 6<sup>th</sup> day of July, 2006.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE